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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

BRENDAN APPEL, *individually and  
on behalf of all others similarly  
situated,*

*Plaintiff,*

v.

METROPOLIS TECHNOLOGIES,  
INC.,

*Defendant.*

**Case No.**

**CLASS ACTION COMPLAINT**

**FOR:**

**1. DRIVER'S PRIVACY  
PROTECTION ACT,  
18 U.S.C. § 2721 et seq.**

**JURY TRIAL DEMANDED**

**CLASS ACTION COMPLAINT**

1 Plaintiff Brendan Appel (“Plaintiff”) brings this class action lawsuit  
2 individually and on behalf of all others similarly situated (the “Class  
3 Members”) against Metropolis Technologies, Inc. (“Metropolis” or  
4 “Defendant”). The allegations set forth herein are based on Plaintiff’s personal  
5 knowledge and on information and belief as to all other matters based upon  
6 investigation by counsel.

### 7 **INTRODUCTION**

8 1. This is a privacy class action lawsuit against Defendant for  
9 knowingly obtaining statutorily protected personal information—including  
10 names, addresses and telephone numbers—from departments of motor  
11 vehicles (“DMVs”), including the Illinois Department of Motor Vehicles, in  
12 violation of the Driver’s Privacy Protection Act, 18 U.S.C. § 2721-2725  
13 (“DPPA”).

14 2. Though Metropolis owns and operates more than 4,000 parking  
15 lot locations around the country, it does not think of itself as a parking lot  
16 company.<sup>1</sup> Instead, it describe itself as “an artificial intelligence company  
17 whose computer vision platform enables checkout-free payment  
18 experiences.”<sup>2</sup>

19 3. In 2024 Metropolis raised \$1.8 billion in financing and bought SP  
20 Plus, a parking lot network founded in 1929 and employing 20,000 people, for  
21 \$1.5 billion to become the largest parking lot company in the country.<sup>3</sup>

22 4. In order to fuel such rapid and unprecedented growth, Metropolis  
23 has fashioned a system wherein is makes it difficult, if not impossible, to pay

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24 <sup>1</sup> <https://www.metropolis.io/news/metropolis-closes-acquisition-of-sp-plus> (last accessed  
25 June 5, 2024).

26 <sup>2</sup> *Id.*

27 <sup>3</sup> [https://www.prnewswire.com/news-releases/metropolis-closes-1-8-billion-financing-  
28 and-completes-transformational-take-private-of-sp-plus-corporation-302147941.html](https://www.prnewswire.com/news-releases/metropolis-closes-1-8-billion-financing-and-completes-transformational-take-private-of-sp-plus-corporation-302147941.html) (last  
accessed June 5, 2024).

1 for parking at the lots it owns and controls. Instead, it uses license plate  
2 reading technology to capture and track users' cars coming in and out of their  
3 lots. It then uses the license plate information to illegally harvest Plaintiff's  
4 and class members' personal information from the DMV in order to send bills  
5 to these unsuspecting users which contain exorbitant late fees and charges.

6 5. For example, at the parking lot at 2525 McKinnon Street, Dallas,  
7 Texas, run by Metropolis, the lot is left open without a gate that would prevent  
8 drivers from entering or exiting without paying.

9 6. When, inevitably, a user drives out of one of Metropolis' open  
10 lots without paying, Metropolis illegally harvests that driver's personal  
11 information from motor vehicle records to send harassing mailers charging  
12 outrageous parking fees and extort "penalty" charges. For instance,  
13 Metropolis charges \$70 penalty fees on a \$10 parking fare.

14 7. In order to attempt to collect these unlawful and unwarranted  
15 amounts, Metropolis employs license plate recognition technology to capture  
16 the license plates of each of the drivers who drive on and off Metropolis'  
17 parking lots. Metropolis then knowingly and unlawfully obtains individuals'  
18 vehicle registration information without their consent.

19 8. Defendant Metropolis invades the privacy of Plaintiff and Class  
20 Members by obtaining protected personal information, including names,  
21 addresses and telephone numbers, of Plaintiff and Class Members, from non-  
22 public motor vehicle records in violation of the DPPA.

23 9. Defendant then discloses and uses that personal information to  
24 send Plaintiff and Class Members surprise bills in the mail for fees and  
25 penalties they never consented to pay—exponentially increasing the charges  
26 within weeks of the initial demand.



1        15. The Court has personal jurisdiction over Defendant because its  
2 principal place of business and headquarters are located in Los Angeles  
3 County in the city of Santa Monica, State of California, it regularly engages in  
4 business in the State of California and in County of Los Angeles, and a  
5 substantial portion of the acts and omissions giving rise to Plaintiff's claims  
6 occurred in and emanated from this county.

7        16. Venue is proper in this District under 28 U.S.C. § 1391(a) through  
8 (d) because: a substantial part of the events giving rise to this action occurred  
9 in this District, including decisions made by Defendant's governance and  
10 management personnel or inaction by those individuals that led to claim at  
11 issue here; Defendant's principal place of business is located in this District;  
12 and Defendant caused harm to Class Members residing in this District.

13                                    **COMMON FACTUAL ALLEGATIONS**

14        ***A. Background of the DPPA.***

15        17. To protect the privacy and safety of licensed drivers, and to limit  
16 misuse of the information contained in these government record systems,  
17 Congress, in 1994, enacted the DPPA. The Act imposed strict rules for  
18 collecting the personal information in driver records and provides for liability  
19 in cases where an entity improperly collects, discloses, uses or sells such  
20 records. See generally 18 U.S. Code § 2721, et al.

21        18. The DPPA safeguards this personal information from disclosure  
22 by state DMVs or acquisition by a third party for any purpose other than the  
23 limited permissible purposes expressly delineated in the DPPA.

24        19. In creating special protections for data in this particular context,  
25 the DPPA responded to concerns over the personal information captured and  
26 retained by State motor vehicle records. Congressional testimony in 1993  
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1 highlighted potential threats to privacy and personal safety from disclosure of  
2 personal information held in state DMV records; “[u]nlike with license plate  
3 numbers, people concerned about privacy can usually take reasonable steps to  
4 withhold their names and address[es] from strangers, and thus limit their  
5 access to personally identifiable information” in other records. See 140 Cong.  
6 Rec. H2523 (daily ed. Apr. 20, 1994) (statement of Rep. Edwards); *ibid.*  
7 (statement of Rep. Moran).

8         20. Personal information protected by the DPPA “means information  
9 that identifies an individual,” which may “include[e] an individual’s  
10 photograph, social security number, driver identification number, name,  
11 address (but not the 5-digit zip code), telephone number, and medical or  
12 disability information . . .” that is obtained “in connection with a motor vehicle  
13 record.” 18 U.S.C § 2725(3) (emphasis added); 18 U.S.C § 2721(a)(1).

14         21. “Motor vehicle record” is defined to include “any record that  
15 pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle  
16 registration, or identification card issued by a department of motor vehicles[.]”  
17 18 U.S.C § 2725(1).

18         22. Further to 18 U.S.C § 2724, “[a] person who knowingly obtains,  
19 discloses or uses personal information, from a motor vehicle record, for a  
20 purpose not permitted under this chapter shall be liable to the individual to  
21 whom the information pertains.”

22         23. The DPPA’s general prohibition on disclosure of personal  
23 information is subject to fourteen (14) exceptions—the permissible  
24 purposes—which allow for the limited disclosure of personal information.  
25 Those 14 permitted uses of DMV data are designed to “stri[k]e a critical  
26 balance between an individual’s fundamental right to privacy and safety and  
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1 the legitimate governmental and business needs for th[e] information.” 140  
2 Cong. Rec. 7925 (1994) (remarks of Rep. Moran).

3 24. Notably, the DPPA does not list or identify any specific  
4 prohibited uses; rather, it generally prohibits all but the fourteen permissible  
5 uses enumerated in §2721(b).

6 25. The permissible uses are as follows:

7  
8 (1) For use by any government agency, including any court  
9 or law enforcement agency, in carrying out its functions,  
10 or any private person or entity acting on behalf of a  
Federal, State, or local agency in carrying out its functions.

11 (2) For use in connection with matters of motor vehicle or  
12 driver safety and theft; motor vehicle emissions; motor  
13 vehicle product alterations, recalls, or advisories;  
14 performance monitoring of motor vehicles, motor vehicle  
15 parts and dealers; motor vehicle market research activities,  
including survey research; and removal of non-owner  
16 records from the original owner records of motor vehicle  
manufacturers.

17 (3) For use in the normal course of business by a legitimate  
18 business or its agents, employees, or contractors, but  
only—

19 (A) to verify the accuracy of personal information  
20 submitted by the individual to the business or its  
21 agents, employees, or contractors; and

22 (B) if such information as so submitted is not correct  
23 or is no longer correct, to obtain the correct  
24 information, but only for the purposes of preventing  
25 fraud by, pursuing legal remedies against, or  
recovering on a debt or security interest against, the  
individual.

26 (4) For use in connection with any civil, criminal,  
27 administrative, or arbitral proceeding in any Federal,  
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1 State, or local court or agency or before any self-regulatory  
2 body, including the service of process, investigation in  
3 anticipation of litigation, and the execution or enforcement  
4 of judgments and orders, or pursuant to an order of a  
5 Federal, State, or local court.

6 (5) For use in research activities, and for use in producing  
7 statistical reports, so long as the personal information is  
8 not published, redisclosed, or used to contact individuals.

9 (6) For use by any insurer or insurance support  
10 organization, or by a self-insured entity, or its agents,  
11 employees, or contractors, in connection with claims  
12 investigation activities, antifraud activities, rating or  
13 underwriting.

14 (7) For use in providing notice to the owners of towed or  
15 impounded vehicles.

16 (8) For use by any licensed private investigative agency or  
17 licensed security service for any purpose permitted under  
18 this subsection.

19 (9) For use by an employer or its agent or insurer to obtain  
20 or verify information relating to a holder of a commercial  
21 driver's license that is required under chapter 313 of title  
22 49.

23 (10) For use in connection with the operation of private  
24 toll transportation facilities.

25 (11) For any other use in response to requests for  
26 individual motor vehicle records if the State has obtained  
27 the express consent of the person to whom such personal  
28 information pertains.

(12 ) For bulk distribution for surveys, marketing or  
solicitations if the State has obtained the express consent  
of the person to whom such personal information pertains.



1 (13) For use by any requester, if the requester  
2 demonstrates it has obtained the written consent of the  
individual to whom the information pertains.

3 (14) For any other use specifically authorized under the  
4 law of the State that holds the record, if such use is related  
5 to the operation of a motor vehicle or public safety.

6 26. As detailed herein, none of those permissible uses apply to  
7 Defendant's uses.

8 27. Plaintiff and Class Members did not submit their personal  
9 information to Metropolis nor did they consent to have their personal  
10 information shared with Metropolis or for any other third party to request their  
11 information from any DMV.

12 28. Indeed, §§ 2721(a) and 2722(a) make nondisclosure of personal  
13 information the default rule. See 18 U.S.C. § 2721(a) ("In general" prohibiting  
14 disclosure of personal information "except as provided in subsection (b)"); 18  
15 U.S.C. § 2722(a) ("It shall be unlawful for any person knowingly to obtain or  
16 disclose personal information . . . for any use not permitted under section  
17 2721(b) of this title."). §2721(b) then lists the fourteen discrete exceptions to  
18 non-disclosure, exceptions that, again, do not and cannot apply here.

19 29. The DPPA creates a private right of action for "the individual"  
20 whose personal information was knowingly obtained, disclosed, or used "for  
21 a purpose not permitted" under § 2721(b). See 18 U.S.C. § 2724(a); 18 U.S.C.  
22 § 2722(a) ("It shall be unlawful for any person knowingly to obtain or disclose  
23 personal information . . . for any use not permitted under section 2721(b) of  
24 this title.").

***B. Metropolis Obtains, Uses & Discloses Personal Information in Violation of the DPPA.***

30. Metropolis, founded in 2017, describes itself as a Santa Monica-based artificial intelligence company which applies its technology to parking management.<sup>4</sup>

31. Metropolis recently raised new capital, consisting of \$1.05 billion in series C stock funding and \$650 million of debt financing, to execute an acquisition of Chicago-based SP Plus Corp. The acquisition of SP Plus is valued at approximately \$1.5 billion.<sup>5</sup> Metropolis now operates over 600 parking lots and garages in nearly 60 cities and processes over \$4 billion in payments annually.<sup>6</sup>

32. Metropolis says it uses automated payments and license plate recognition to leverage AI to track the stay time of vehicles and charge customers without the driver needing to stop to pay.<sup>7</sup> The company said that, while its computer vision technology is currently being applied to parking, it plans to offer its “checkout-free experience” more broadly in the future.<sup>8</sup>

33. As Metropolis admits, its use of license plate recognition technology is being used to “enabl[e] top-tier real estate owners” “to capture revenue from more than five million consumers who do not have to stop to pay.”<sup>9</sup>

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<sup>4</sup> See <https://www.metropolis.io/news/metropolis-closes-acquisition-of-sp-plus> (last visited June 14, 2024).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> See <https://www.metropolis.io/news/welcome-to-metropolis-series-a> (last visited June 14, 2024).

<sup>8</sup> See <https://labusinessjournal.com/featured/metropolis-raises-1-7-billion-to-aid-its-growth/> (last visited June 14, 2024).

<sup>9</sup> See <https://www.metropolis.io/news/metropolis-to-acquire-sp-plus> (last visited June 14, 2024).

1 34. In its Privacy Policy, Metropolis states that it “may utilize  
2 Automated License Plate Readers (ALPR) and similar systems to capture and  
3 process video or still images of your vehicle and license plate.”<sup>10</sup>

4 35. Metropolis “use[s] the information captured through the ALPR  
5 systems to identify your vehicle and account, which allows us to charge the  
6 payment information associated with your account or communicate with you  
7 about arranging for such payment.”<sup>11</sup>

8 36. Metropolis lists the reasons for which it collects license plate  
9 information, but it does not disclose that it obtains personal information from  
10 motor vehicle records in order to send surprise bills to drivers who use  
11 Metropolis parking lots.

## 12 Categories of information collected

13 See the [“Information We Collect”](#) and [“How We Disclose Information”](#) sections above for additional information.

### 14 Identifiers

15 Examples: such as name, license plate number and state, and other similar identifiers.

#### 16 Purpose of use:

- 17 • Process orders
- 18 • Provide the Services and customer service
- 19 • Verify and authenticate your information, account, and interactions with us
- 20 • Communicate with you
- 21 • Personalize your experience and customize the Services
- 22 • Understand your interests and engage in research, analysis, and reports
- 23 • Our marketing and advertising purposes
- 24 • Bug detection and error reporting
- 25 • Security, fraud, and legal compliance

26 37. In employing its scheme, Defendant used the license plate  
27 numbers it obtained through Automated License Plate Recognition technology  
28 to directly obtain, disclose, and use personal information of Plaintiff and Class  
Members from DMVs, including the Illinois state motor vehicle records.

<sup>10</sup> See <https://www.metropolis.io/privacy> (last visited June 14, 2024).

<sup>11</sup> *Id.*

1           38. Metropolis has admitted to exactly this practice. In response to  
2 66 complaints made to the Tennessee Attorney General’s Office about  
3 Metropolis’ punitive and unfair parking practices (including charging for  
4 parking when the driver did not park in the facility, charging \$57 for 49  
5 minutes of parking, and receiving bills with excessive penalty fees),<sup>12</sup>  
6 Metropolis responded by admitting that it used the license plate information to  
7 obtain drivers’ personal information from the Tennessee DMV:

8                   **Our system traces license plates attached to**  
9                   **Tennessee government records.** We send notices  
10                  to the addresses on file associated with those license  
11                  plates.<sup>13</sup>

12           39. In a February 20, 2024 email from a Metropolis representative to  
13 Plaintiff, Metropolis again admitted to using license plate information to  
14 obtain personal information from the DMV, in that case the Illinois DMV:  
15 **“Your vehicle was captured by our camera on our facility and State**  
16 **records indicate that you are the registered owner of this vehicle.”**

17           40. The use is problematic because Defendant misuses driver records  
18 under no permissible purpose under the DPPA. Indeed, Defendant has never  
19 claimed it uses driver records from state DMV officers under any permissible  
20 purposes.

21           41. In response to this unlawful debt collection activity, consumers  
22 around the country have been flooding online review boards about  
23 Defendant’s misconduct, a sampling of which is below:

24  
25  
26 <sup>12</sup> See <https://www.wkrn.com/news/local-news/nashville/dozens-of-complaints-made-against-metropolis-parking-in-nashville-tn/> (last visited June 14, 2024).

27 <sup>13</sup> See <https://www.newschannel5.com/news/metropolis-parking-responds-after-complaints-about-nashville-private-lots> (last visited June 14, 2024).  
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★★★★★ 9 months ago

Was told we were permitted to park in a parking lot for a business, asked at the business and they said yes, then got a \$75 parking violation from this clown of a company a month later. I am not paying and if they try to file anything against me I will take them to court. NEVER USE ANY PARKING LOT RUN BY THIS COMPANY.

★★★★★ a month ago

This company is a scam. I paid for a parking lot using a parking machine and now they are trying to charge me, saying I should pay using their app and the local has "clear signs" of that. SO why they keep the parking machine there? They are ridiculous.

★★★★★ 3 weeks ago **NEW**

I did not park I was there briefly to figure out where I was and where I wanted to go. I am not from Austin. There is no gate and place to pay. I was sent a bill for \$14 dollars and \$70.25 for violations. This is scam that needs investigations.

★★★★★ a month ago

Do not park here! They fine you and you can't fight it because there is no customer service. Businesses should NOT contract with them!!

**C. Plaintiff Appel's Allegations.**

42. Mr. Appel is a victim of Defendant's scheme. Defendant unlawfully obtained and disclosed his personal information from state motor vehicle records without his consent in order to bill him for parking he never agreed to pay and to add exorbitant penalties.

43. On or about February 2, 2024, Mr. Appel's daughter parked a car registered and owned by Mr. Appel in the open, gateless garage at 2525 McKinnon Street, Dallas, Texas. Plaintiff's daughter saw no warning that she would need to pay a fee nor any reasonable notice that she may be charged if she parked in the lot. There was no gate at the lot and no means by which to issue a ticket for parking or otherwise to inform drivers that they were to pay for parking at this open lot.

44. Weeks later, on or about February 20, 2024, Mr. Appel received a collection notice from Defendant Metropolis that was mailed to his work address, the same address to which his car was registered, and claimed that he owed a \$10 fee for parking and an additional fine of \$70.25. The letter

1 threatened that nonpayment may result in being reported to collections or  
2 “other legal action, future ticketing, booting and/or towing.”

3 45. The letter included his name, address, his license plate number,  
4 identified the 2525 McKinnon parking garage as the location upon which he  
5 incurred his parking fine, and included a picture of the rear of his motor  
6 vehicle, taken at the entrance and exit of the 2525 McKinnon parking garage,  
7 that clearly displayed the license plate of his motor vehicle and the license  
8 plate number.

9 46. That same day, Mr. Appel contacted Metropolis through its online  
10 chat function and communicated with a representative from Metropolis. Mr.  
11 Appel explained that the gates at the parking lot at 2525 McKinnon were up,  
12 that there was no system to issue a ticket, and no other way to pay for parking  
13 the night the fee and penalty were issued. The representative for Metropolis  
14 refuted Mr. Appel’s version of events, though the representative provided no  
15 evidence specific to the 2525 McKinnon parking lot to the contrary and  
16 refused to refund either the parking charge or the \$70 penalty.

17 47. The Metropolis representative, when asked by Mr. Appel how  
18 Metropolis obtained his vehicle registration information, admitted that Mr.  
19 Appel’s “vehicle was captured by our camera on our facility and State records  
20 indicate that you are the registered owner of this vehicle.”

21 48. In all, Mr. Appel spent over four hours communicating with  
22 representatives of Metropolis to dispute his bill. Mr. Appel also spent many  
23 more hours researching Metropolis and the circumstances surrounding the  
24 events leading to Metropolis’ issuing the parking fee and penalty charges.

25 49. On or around April 1, 2024, Metropolis sent Mr. Appel a second  
26 letter again demanding payment. The second letter was also mailed to his  
27 place of work and included his name, work address, his license plate number,  
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1 identified the 2525 McKinnon parking garage as the location upon which he  
2 incurred his parking fine, and included a picture of the rear of his motor  
3 vehicle, taken at the entrance and exit of the 2525 McKinnon parking garage,  
4 that clearly displayed the license plate of his motor vehicle and the license  
5 plate number.

6 50. Mr. Appel never provided Defendant the personal information  
7 needed to identify him by name and address.

8 51. Defendant's misconduct has harmed Plaintiff, including by  
9 invading his privacy through the obtaining, using and disclosing his private  
10 information, violating his rights under the DPPA, misusing his protected  
11 information to claim charges he never agreed to pay and then doubling,  
12 tripling, and even quadrupling those penalties, caused Plaintiff to lose time and  
13 harmed them emotionally by misusing their protected information to threaten  
14 them with collection actions.

### 15 **CLASS ACTION ALLEGATIONS**

16 52. Class Definition: Pursuant to Rule 23 of the Federal Rules of Civil  
17 Procedure, Plaintiff brings this action on behalf of herself and other similarly  
18 situated individuals (the "Class"), as defined as follows:

19 All individuals residing in the United States who had their  
20 personal motor vehicle records, maintained by a State  
21 Motor Vehicle Department, directly obtained, used,  
22 redisclosed and/or resold by Defendant for purposes not  
permitted by the DPPA.

23 53. Plaintiff reserves the right to modify the class definition or add  
24 sub-classes as necessary prior to filing a motion for class certification.

25 54. The "Class Period" is the time period beginning on the date  
26 established by the Court's determination of any applicable statute of  
27 limitations, after consideration of any tolling, concealment, and accrual issues,  
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1 and ending on the date of entry of judgment.

2 55. Excluded from the Class is Defendant; any affiliate, parent, or  
3 subsidiary of Defendant; any entity in which Defendant has a controlling  
4 interest; any officer director, or employee of Defendant; any successor or  
5 assign of Defendant; anyone employed by counsel in this action; any judge to  
6 whom this case is assigned, his or her spouse and immediate family members;  
7 and members of the judge's staff.

8 56. Numerosity/Ascertainability. Members of the Class are so  
9 numerous that joinder of all members would be unfeasible and not practicable.  
10 The exact number of Class Members is unknown to Plaintiff at this time.  
11 However, it is estimated that there are at least thousands of individuals in the  
12 Class. The identity of such membership is readily ascertainable from  
13 Defendant's records and non-party Facebook's records.

14 57. Typicality. Plaintiff's claims are typical of those of the Class  
15 because Plaintiff—like all members of the Class—had his personal motor  
16 vehicle records, maintained by a State Motor Vehicle Department, directly  
17 obtained, used, redisclosed and/or resold by Defendant for purposes not  
18 permitted by the DPPA.

19 58. Adequacy. Plaintiff is fully prepared to take all necessary steps to  
20 represent fairly and adequately the interests of the Class Members. Plaintiff's  
21 interests are coincident with, and not antagonistic to, those of the Class  
22 Members. Plaintiff is represented by attorneys with experience in the  
23 prosecution of class action litigation generally and in the emerging field of  
24 digital privacy litigation specifically. Plaintiff's attorneys are committed to  
25 vigorously prosecuting this action on behalf of the Class.

26 59. Common Questions of Law and Fact Predominate/Well-Defined  
27 Community of Interest. Questions of law and fact common to the Class  
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1 predominate over questions that may affect only individual Class Members  
2 because Defendant has acted on grounds generally applicable to the Class.  
3 Such generally applicable conduct is inherent in Defendant's wrongful  
4 conduct. The following questions of law and fact are common to the Class:

- 5 a. whether Defendant collected Plaintiff's and the Class's  
6 personal information;
- 7 b. whether Plaintiff's and the Class's personal  
8 information was contained in a motor vehicle record;
- 9 c. whether Defendant unlawfully obtained and used  
10 Plaintiff's and the Class's personal information in  
11 violation of the DPPA;
- 12 d. whether Defendant's actions were committed  
13 knowingly; and
- 14 e. The nature and extent of all statutory penalties or  
15 damages for which Defendant are individually liable to  
16 Plaintiff and Class Members, and;
- 17 f. Whether punitive damages are appropriate.

18 60. Superiority. Class action treatment is a superior method for the  
19 fair and efficient adjudication of the controversy. Such treatment will permit a  
20 large number of similarly situated persons to prosecute their common claims  
21 in a single forum simultaneously, efficiently, and without the unnecessary  
22 duplication of evidence, effort, or expense that numerous individual actions  
23 would engender. The benefits of proceeding through the class mechanism,  
24 including providing injured persons a method for obtaining redress on claims  
25 that could not practicably be pursued individually, substantially outweighs  
26 potential difficulties in management of this class action. Plaintiff is unaware  
27 of any special difficulty to be encountered in litigating this action that would  
28

1 preclude its maintenance as a class action.

2 **CLAIMS FOR RELIEF**

3 **COUNT I**

4 **Violations of the Driver's Protection Privacy Act**  
5 **18 U.S.C. § 2721, et seq.**  
6 **(On behalf of Plaintiff & the Nationwide Class)**

6 61. Plaintiff incorporates and realleges the above factual allegations  
7 by reference.

8 62. The Driver's Privacy Protection Act, 18 U.S.C. § 2721(a), et seq.,  
9 prohibits a person or organization from knowingly obtaining or disclosing  
10 personal information, or highly restricted personal information contained in  
11 motor vehicle records for any purpose not specifically permitted under 18  
12 U.S.C. § 2721(b).

13 63. Defendant violated 18 U.S.C. §2721, et seq., by intentionally  
14 obtaining, using, re-disclosing and/or reselling Plaintiff and Class Members'  
15 motor vehicle records without knowledge, consent or authorization for  
16 purposes not specifically permitted under the act.

17 64. Plaintiff and Class Members are individuals within the meaning  
18 of 18 U.S.C. §2725(2).

19 65. The names, addresses, telephone numbers and other information  
20 that Defendant obtained from motor vehicle records pertaining to Plaintiff and  
21 Class Members was "personal information" as defined under 18 U.S.C.  
22 §2725(3).

23 66. The contents of Plaintiff's and Class Members' records obtained  
24 by Defendant constitute a "motor vehicle record," because they contain  
25 records that "pertains to a motor vehicle operator's permit, motor vehicle title,  
26 motor vehicle registration, or identification card issued by a department of  
27

1 motor vehicles,” within the meaning of 18 U.S.C. §2725(1).

2 67. Defendant was not an authorized recipient under 18 U.S.C. §  
3 2721(c).

4 68. 18 U.S.C. §§ 2721(a) and 2722(a) make nondisclosure of personal  
5 information the default rule. See 18 U.S.C. § 2721(a) (“In general” prohibiting  
6 disclosure of personal information “except as provided in subsection (b)”); 18  
7 U.S.C. § 2722(a) (“It shall be unlawful for any person knowingly to obtain or  
8 disclose personal information . . . for any use not permitted under section  
9 2721(b) of this title.”).

10 69. 18 U.S.C. §2721(b) provides fourteen discrete exceptions to non-  
11 disclosure. None of those exceptions are applicable to Defendant’s use of  
12 Plaintiff and Class Members’ personal information.

13 70. Defendant knowingly used the personal information it obtained  
14 from the motor vehicle records to disclose and mail collection letters to  
15 Plaintiff and Class Members’ home address in an attempt to collect parking  
16 fees and penalties to which Plaintiff and Class Members did not consent.

17 71. Defendant did not obtain express consent from Plaintiff or Class  
18 Members to obtain or use their personal information for this purpose.

19 72. Defendant is liable directly and/or vicariously for failing to use  
20 reasonable care to investigate permissible uses when re-disclosing and  
21 Plaintiff’s and Class Members’ motor vehicle records.

22 73. As a direct and proximate result of the aforesaid acts and activities  
23 of Defendant, Plaintiff and Class Members have sustained harm including but  
24 not necessarily limited to, intrusion upon their seclusion, invasions of their  
25 privacy, the time wasted reviewing Defendant’s collection messages and the  
26 data and space used on their mobile devices.

27 74. As provided by the DPPA, Plaintiff and the Class Members seek:  
28

(i) declaratory relief; (ii) injunctive and equitable relief as is necessary to protect the interests of Plaintiff and the Class by requiring Defendant to comply with DPPA's requirements; (iii) statutory damages of \$2,500 for each violation of the DPPA pursuant to 18 U.S.C. § 2724(a) and (iv) reasonable attorneys' fees and costs and other litigation expenses.

**RELIEF REQUESTED**

75. Plaintiff, individually and on behalf of the proposed Class, respectfully requests that the Court grant the following relief:

- a. Certifying this case as a class action on behalf of Plaintiff and the proposed Class, appointing Plaintiff as class representative, and appointing his counsel to represent the Class;
- b. Awarding declaratory and other equitable relief as is necessary to protect the interests of Plaintiff and the Class;
- c. Awarding injunctive relief as is necessary to protect the interests of Plaintiff and the Class;
- d. For a declaration that Defendant's actions violated the Federal Driver's Privacy Protection Act, 18 U.S.C. §2721, and for all actual damages, statutory damages, penalties, and remedies available as a result of Defendant's violations of the DPPA, but not less than liquidated damages in the amount of \$2,500 for each Plaintiff and each member of the Class.
- e. For an order awarding injunctive and equitable relief including, inter alia: (i) prohibiting Defendant from engaging in the acts alleged above; (ii) requiring

1 Defendant to disgorge all of its ill-gotten gains to  
2 Plaintiff and the other Class Members motor vehicle  
3 records, or to whomever the Court deems appropriate;  
4 (iii) awarding Plaintiff and Class Members full  
5 restitution of all benefits wrongfully acquired by  
6 Defendant by means of the wrongful conduct alleged  
7 herein; and, (iv) ordering an accounting and  
8 constructive trust imposed on the data, funds, or other  
9 assets obtained by unlawful means as alleged above, to  
10 avoid dissipation, fraudulent transfers, and/or  
11 concealment of such assets by Defendant;

- 12 f. For an award to Plaintiff and the Class of their costs and  
13 expenses of this litigation;
- 14 g. For an award to Plaintiff and the Class for their  
15 reasonable attorneys' fees;
- 16 h. An award to Class Members of damages, including but  
17 not limited to: compensatory, statutory, exemplary,  
18 aggravated, and punitive damages, as permitted by law  
19 and in such amounts to be proven at trial;
- 20 i. An award of statutory damages to the extent available;
- 21 j. For pre-and post-judgment interest as allowed by law  
22 and
- 23 k. For such other relief as the Court may deem just and  
24 proper.

25 **DEMAND FOR JURY TRIAL**

26 Plaintiff, on behalf of himself and the proposed Class, demands a trial  
27 by jury for all claims asserted herein and so triable.

1  
2  
3 DATED: June 27, 2024

4 Matthew J. Langley

5 California Bar No. 342846

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